FILED
JUN - 7 2017
U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. BRANDON A. SMITH, AARON OSHAY FARR, and JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB," Defendants.	)	NO. **4:17CR00257 AGF/JMB**

INDICTMENT

COUNT I

The Grand Jury charges that:

Beginning sometime in 2017, and continuing up to the date of this Indictment, with the exact dates unknown, in St. Louis County, Missouri, within the Eastern District of Missouri, and elsewhere,

BRANDON A. SMITH,
AARON OSHAY FARR, and
JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB,"

the defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree together with one or more other persons known and unknown to the Grand Jury, to commit the following offenses against the United States: to distribute and possess with the intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), All in violation of Title 21, United States Code, Section 846; and

The amount of mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, involved in the conspiracy and attributable to each defendant as a result of his own respective conduct, and the conduct of other conspirators, known or reasonably foreseeable to each defendant, is forty (40) grams or more, making the offense punishable under Title 21, United States Code, Section 841(a)(1)(B)(vi).

COUNT II

The Grand Jury further charges:

On or about May 12, 2017, in St. Louis County, Missouri, within the Eastern District of Missouri,

BRANDON A. SMITH,
AARON OSHAY FARR, and
JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB,"

the defendants herein, did knowingly and intentionally use, carry, and possess firearms and ammunition, to wit: (i) a Canik TP9SF Elite 9mm semi-automatic pistol, serial number 17BH02291, loaded with one cartridge in the chamber and thirteen cartridges in the magazine; (ii) an Encom America .45 caliber semi-automatic pistol, serial number F03129, loaded with one cartridge in the camber and twenty-eight cartridges in the magazine; and (iii) a Seekins Precision 7.62x39 caliber rifle, serial number SBA13598, loaded with one cartridge in the chamber and twenty-eight cartridges in the magazine, in furtherance of a drug-trafficking crime, to wit: Conspiracy to distribute and possess with the intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule II controlled substance, as charged in Count I, In violation of Title 18, United States Code, Section 924(c)(1)(A), and punishable under Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT III

The Grand Jury further charges:

On or about May 16, 2017, in St. Louis County, Missouri, within the Eastern District of Missouri,

JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB,"

the defendant herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule II controlled substance,

In violation of Title 21, United States Code, Section 841(a)(1), and punishable under Title 21, United States Code, Section 841(b)(1)(C).

COUNT IV

The Grand Jury further charges:

On or about May 19, 2017, in St. Louis County, Missouri, within the Eastern District of Missouri,

JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB,"

the defendant herein, did knowingly and intentionally distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule II controlled substance,

In violation of Title 21, United States Code, Section 841(a)(1), and punishable under Title 21, United States Code, Section 841(b)(1)(C).

COUNT V

The Grand Jury further charges:

On or about May 25, 2017, in St. Louis County, Missouri, within the Eastern District of Missouri,

JEQAN LAMON-LEWIS BURGESS, a/k/a "Lu Lu," "JB,"

the defendant herein, did knowingly and intentionally possess with the intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule II controlled substance,

In violation of Title 21, United States Code, Section 841(a)(1), and punishable under Title 21, United States Code, Section 841(b)(1)(C).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Sections 841(a)(1) or 846, as set forth in Count I, the defendants shall forfeit to the United States of America any property, constituting or derived from any proceeds obtained, directly or indirectly, as the result of such violation(s) and any property used or intended to be used, in any manner or part to commit or to facilitate the commission of such violation(s).

2. Subject to forfeiture upon a conviction of Count I is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds obtained directly or indirectly as a result of said violation(s).

3. Pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 924(c), as set forth in Count II, the defendants shall forfeit to the United States of America any firearm or ammunition involved in or intended to be used in said offense(s).

4. Specific property subject to forfeiture includes, but is not limited to, the following:

(a) approximately $508.00 U.S. currency seized on May 12, 2017;

(b) approximately $5,104.00 U.S. currency seized on May 25, 2017;

(c) miscellaneous firearms and ammunition, more particularly described as:

i. one Canik TP9SF Elite 9mm semi-automatic pistol, serial number 17BH02291;
ii. one Encom America .45 caliber semi-automatic pistol, serial number F03129;
iii. one Seekins Precision 7.62x39 caliber rifle, serial number SBA13598;
iv. assorted magazines and rounds of ammunition; and

(d) a Rolex watch seized on May 25, 2017.

5. If any of the property described above, as a result of any act or omission of the defendant(s):

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty, the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

CARRIE COSTANTIN
Acting United States Attorney

____
DEAN R. HOAG, #23843MO
Assistant United States Attorney
111 S. 10th Street, Room 20.333
St. Louis, MO 63102
(314) 539-2200